REMARKS/ARGUMENTS

Applicants confirm the election of the claims of Group I in further response to the requirement for restriction.

The rejection of the claims based on 35 U.S.C. §112, ¶2 on grounds of indefiniteness is respectfully traversed. With respect to ¶6 of the Office Action, the term "using" and the phrase "making a useful product" have been deleted in favor of a step "making the new carpet containing the composite material." With respect to ¶7, the Examiner apparently misinterprets the first and second material set forth in Claim 1. The first material is the waste carpeting material which may include calcium carbonate and a resin, as well as certain other materials not referenced in Claim 1. The second material may comprise any material. For example, the second material may comprise fresh calcium carbonate. Consequently, the first material, formed from the recycled waste carpeting, and the second material are combined to provide a composite material. That composite material is then applied to form the new carpet. For example, in the latter case, the composite material may be heated to a molten form and applied by an applicator roll to the back side of, e.g., fiberglass, to form a new carpet which contains the composite material but which is not limited to the composite material.

With respect to ¶8, Claim 7 has been amended to make it clear that the backcoating includes an EVA copolymer, a resin and a second filler. The second filler, in turn, comprises calcium carbonate and a certain percentage of the composite material formed by adding the first and second materials to one another. Thus, the

recited calcium carbonate of the second filler is in addition to any calcium carbonate which is set forth in the first filler and which forms part of the composite material.

The rejection of Claims 1, 5 and 10 as anticipated by Moryama is respectfully traversed. Moryama grinds waste carpet materials from floor mats used in automobiles into small chips where additional resin is added to the chips which are then heated to a temperature enabling the resin of both the waste carpet and added resin to melt but below a temperature which would otherwise melt nylon fibers contained in the waste carpeting. Thus, Moryama is specific to carpet waste with thermoplastic backing materials which are traditionally used in automotive carpets. The waste materials are granulated and extruded into a sheet that is then applied as a backing layer. Moryama does not mention using waste carpeting containing calcium carbonate and a thermoplastic resin nor the steps of processing that type of waste carpeting. Moreover, the reduction of the material to the size range claimed is particularly significant for the reasons set forth on page 6, lines 4 *et seq.* of the present application. Further, Moryama is limited to carpet waste which is used in conjunction with a "backing material made of a thermoplastic resin." A latex carpet, for example, as set forth in Claim 20, is not within that definition of a backing material made of a thermoplastic resin. That would not describe a traditional latex-backed carpet as set forth in Claim 20.

The rejection of Claims 1, 3, 5, 10 and 15 as anticipated by Chen is respectfully traversed. Chen is specifically limited to vinyl or PVC carpeting and does not mention or include latex-based carpeting as set forth in Claim 20. The size reduction is particularly significant for the reasons noted on page 6 of the present specification.

Further, Chen does not apply the powder in molten form to the carpet. In Chen, the powder is applied cold to the carpet and then heated. As set forth in Claim 15, the waste carpeting is combined with a molten resin to form a molten backcoating which is then applied to the carpeting in molten form by an applicator roll.

The rejection of Claims 3, 7, 15 and 18 as unpatentable over Moryama in view of Chen is respectfully traversed for the reasons noted above with respect to each of Chen and Moryama. Further, that Chen teaches a certain particle size of 5-1000 microns does not support the allegation used as the predicate for the legal conclusion of obviousness that such particle size would produce a uniform resin blend. Particle size is not related to blend uniformity. Further, the Examiner states that it would have been obvious to use calcium carbonate in the Moryama product since it reduces carpet weight (p. 8, l. 8). To the contrary, the use of calcium carbonate would increase carpet weight. Chen also does not disclose a latex-backed carpet as set forth in Claim 20.

The rejection of Claims 7 and 18 as unpatentable over Chen is respectfully traversed.

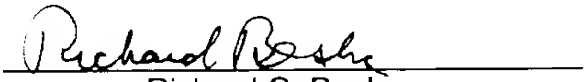
On page 9, the Examiner indicates that the particular composition set forth in Claims 7 and 18 is not disclosed in Chen but asserts that the composition is obvious in light of Chen since the choice of carpet backcoat resins and proper mounts are within the ordinary skill in the art. Those particular composition constituents, however, are proprietary to and have been maintained proprietary by assignee of the present invention. Moreover, it is a new composition since the second filler (Claim 7) comprises calcium carbonate and a predetermined percentage of the composite material.

The rejection of Claim 6 as unpatentable over Moryama in view of Chen is respectfully traversed. While the Examiner admits that neither Moryama nor Chen teach the claimed viscosity, the Examiner is of the view that it would have been obvious to adjust the composition of either of the references to obtain the desired viscosity. The basis for the Examiner's conclusion appears to be that a higher viscosity would increase the amount of penetration of the backcoat and, conversely, a lower viscosity would decrease the amount of penetration. However, this is incorrect. Lower viscosity would increase penetration and the higher viscosity would decrease penetration. In view of those comments, applicant submits that the person of ordinary skill in the art, presumptively the Examiner, would not reach the stated viscosity.

Accordingly, applicant believes the application is now in condition for allowance and early notification of the allowance thereof is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
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